

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

BRIAN MICHAEL WEMIGWANS,

Petitioner,

Case No. 1:19-cr-20435

v.

Honorable Thomas L. Ludington
United States District Judge

UNITED STATES OF AMERICA,

Respondent.

Honorable Patricia T. Morris
United States Magistrate Judge

**ORDER ADOPTING REPORT AND RECOMMENDATION, DENYING
PETITIONER'S § 2255 MOTIONS TO VACATE, AND DENYING PETITIONER'S
MOTIONS TO APPOINT COUNSEL**

This matter is before this Court upon Magistrate Judge Patricia T. Morris's Report and Recommendation, ECF No. 62, recommending that the undersigned deny Petitioner Brian Michael Wemigwans's § 2255 motions to vacate,¹ ECF Nos. 50; 57, and motions for appointment of counsel, ECF Nos. 52; 58.

Although the R&R states that the parties could object to and seek review of the recommendation within 14 days of service, neither Petitioner nor Respondent filed any objections. They have therefore waived their right to appeal Judge Morris's findings. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985).

Accordingly, it is **ORDERED** that Magistrate Judge Morris's Report and Recommendation, ECF No. 62, is **ADOPTED**.

Further, it is **ORDERED** that Petitioner's Amended § 2255 Motion to Vacate, ECF No. 57, is **DENIED**.

¹ Petitioner filed his original motion to vacate on April 8, 2022, ECF No. 50, followed by an amended motion to vacate three weeks later, ECF No. 57.

Further, it is **ORDERED** that Petitioner's § 2255 Motion to Vacate, ECF No. 50, is **DENIED AS MOOT**.

Further, it is **ORDERED** that Petitioner's Motion for Counsel, ECF No. 52 is **DENIED AS MOOT**.

Further, it is **ORDERED** that Petitioner's Motion for Counsel, ECF No. 58 is **DENIED AS MOOT**.

Dated: August 24, 2022

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge